

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

OCT 20 2005

JOHN F. CORCORAN, CLERK
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DELORES SIMMONS, as Administrator)
of the Estate of Harrie Simmons, Jr.)
Plaintiff,) Civil Action No. 7:05CV00053
v.)) **ORDER**
GENE M. JOHNSON, et al.,)
Defendant.) By: Hon. Glen E. Conrad
United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED

that defendants' motions to dismiss are **DENIED**.

The Clerk is directed to send certified copies of this order to the defendants and to all
counsel of record.

ENTER: This 20th day of October, 2005.

Glen Conrad

United States District Judge